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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Eighteenth session
24-28 July 2000

PROVISIONAL AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people.

   Principal theme: "Indigenous children and youth".

5. Review of recent developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people.

   General statements, including land issues, education and health.

6. Standard-setting activities including a review of indigenous peoples' relationship with natural resource, energy and mining companies.

7. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the second preparatory meeting in May 2001.

GE.00-13814 (E)

8. International Decade of the World's Indigenous People, including information relating to the Voluntary Fund for the International Decade of the World's Indigenous People and the report of the Advisory Group.

9. Other matters:

   (a) Meeting and seminars;

   (b) Voluntary Fund for Indigenous Populations.

10. Adoption of the report of the Working Group on its eighteenth session.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion and Protection
of Human Rights
Working Group on Indigenous Populations
Eighteenth session
24-28 July 2000

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to the request of the Working Group on Indigenous Populations at its seventeenth session

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Indigenous Populations, as drafted in consultation with the Chairperson-Rapporteur, Ms. Erica-Irene Daes, is contained in document E/CN.4/Sub.2/AC.4/2000/1.

3 Organization of work of the session

3. The attention of the Working Group is drawn to the provisional agenda and the need to complete its discussion of the substantive items within the five working days allotted. At previous sessions, the Chairperson-Rapporteur has set strict time limits in order to ensure that all participants wishing to make a statement are given the opportunity to do so. Such time limits will again be necessary in order to ensure that all items of the agenda are comprehensively discussed.

4. Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people

Principal theme: "Indigenous children and youth"

4. In paragraph 170 of the report on its seventeenth session (E/CN.4/Sub.2/1999/19), the Working Group decided to highlight the theme "Indigenous children and youth" at its eighteenth session. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1999/20, endorsed the decision and recommended that the Office of the High Commissioner for Human Rights (OHCHR) invite the United Nations Children's Fund (UNICEF) and the Committee on the Rights of the Child to provide relevant information and, if possible, participate in the meetings. In accordance with the recommendation of the Sub-Commission, OHCHR contacted UNICEF and the Committee to inform them about the work of the Working Group and invite them to provide information and to take part. OHCHR also informed other relevant United Nations organizations about the principal theme of the Working Group. A note by the secretariat on indigenous children and youth is available as document E/CN.4/Sub.2/AC.4/2000/2.

5. Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous people

General statements, including land issues, education and health

5. In accordance with the mandate established under Economic and Social Council resolution 1982/34, the Working Group is authorized to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous populations, to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the final report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo, entitled "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/1986/7 and Add.1-4).

6. The item on the agenda reviewing developments affecting indigenous peoples provides invaluable information to members of the Working Group. The information provided is considered by them as strengthening ongoing efforts of the United Nations system to recognize, promote, protect and restore the rights of indigenous peoples. In its resolution 2000/56, the

Commission on Human Rights urged the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people. However, it may be noted that the Working Group is not a chamber of complaints and cannot act upon specific allegations concerning violations of human rights.

6. Standard setting activities including a review of indigenous people's relationship with natural resource, energy and mining companies

7. Under the mandate established by the Economic and Social Council in its resolution 1982/34, the Working Group is authorized to meet to "give special attention to the evolution of standards concerning the rights of indigenous population". At its fourth session, in 1985, the Working Group decided under this item of its agenda that it should aim at producing as a first formal step a draft declaration on indigenous rights. At that session, seven principles were drafted in preliminary wording (E/CN.4/Sub.2/1985/22, annex II). As in previous years, the report of the Working Group was transmitted to Governments, intergovernmental and non-governmental organizations and indigenous organizations. Comments on the draft principles were requested from these interested parties. It may be noted that every year since 1985, the draft declaration as prepared by the Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene Daes, has been transmitted by the Secretary-General to Governments, intergovernmental and non-governmental organizations and indigenous organizations, requesting their proposals, suggestions and comments.

8. At its fifth session, in 1987, the Working Group adopted 14 draft principles in preliminary wording (E/CN.4/Sub.2/1987/22, annex II). The Chairperson-Rapporteur was entrusted with the task of preparing a set of draft principles and preambular paragraphs for insertion into a future declaration. This working paper was adopted as a preliminary draft declaration and formed the basis of discussions at the sixth session of the Working Group, in 1988 (E/CN.4/Sub.2/1988/25). The Working Group recommended that the Chairperson-Rapporteur prepare a first revised text of the draft declaration based on comments made during the Working Group's sixth session and the written observations received from Governments, intergovernmental and non-governmental organizations and indigenous organizations (E/CN.4/Sub.2/1988/24, annex II).

9. At its seventh session, in 1989, the Working Group had before it an analytical compilation of comments received and a first revised text of the draft declaration prepared by the Chairperson-Rapporteur (E/CN.4/Sub.2/1989/33/Add.1). This allowed for a discussion of the draft declaration article by article (E/CN.4/Sub.2/1989/36, paras. 61-92). At the eighth session of the Working Group, in 1990, it was decided to establish three informal drafting groups to continue the elaboration of the draft declaration. The draft that was prepared by the Working Group at its 1990 session was based on the text of the first revised draft declaration and the analytical commentary prepared by the Chairperson-Rapporteur and the discussions carried out in the informal drafting groups (E/CN.4/Sub.2/1990/42 and annexes). The Chairperson-Rapporteur was, once again, invited to revise the draft declaration on the basis of these comments and the written observations of Governments, intergovernmental and non-governmental organizations and indigenous organizations for presentation at the ninth session of the Working Group.

10. At its ninth session in 1991, the Working Group considered the working paper of the Chairperson-Rapporteur (E/CN.4/Sub.2/1991/36). Further discussions of the preambular and operative paragraphs of the draft declaration took place and the text (E/CN.4/Sub.2/1991/40, annex II) was agreed upon by members of the Working Group. The Chairperson-Rapporteur was entrusted with the preparation of a working paper based on written suggestions provided by Governments and indigenous organizations. At its tenth session, in 1992, the Working Group had before it a revised working paper prepared by the Chairperson-Rapporteur containing the draft declaration (E/CN.4/Sub.2/1992/28). On the basis of the text before the session, the Working Group completed a preliminary reading of the preambular and operative paragraphs and began a second reading (E/CN.4/Sub.2/1992/33). The Working Group recommended that the draft declaration as revised by the Chairperson-Rapporteur on the basis of the comments made during its session as well as the information received from interested parties be presented to the Working Group at its eleventh session.

11. At its eleventh session, in 1993, the Working Group had before it the working paper of the Chairperson-Rapporteur (E/CN.4/Sub.2/1993/26). Further elaborations of the draft declaration were made by members of the Working Group during the session (E/CN.4/Sub.2/AC.4/1993/CRP.4). The Working Group completed the second reading of the draft declaration and agreed upon a text (E/CN.4/Sub.2/1993/29, annex I). In its resolution 1993/46, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to postpone until its forty-sixth session consideration of the draft declaration; it requested the Secretary-General to submit the draft declaration to the appropriate services within the Centre for Human Rights for technical revision; it also requested the Secretary-General to transmit the text of the draft declaration to indigenous peoples and organizations, Governments and intergovernmental and non-governmental organizations.

12. At its twelfth session, in 1994, the Working Group had before it the technical review by the Centre for Human Rights (E/CN.4/Sub.2/1994/2) and the draft declaration as agreed upon by members of the Working Group at its eleventh session (E/CN.4/Sub.2/1994/2/Add.1). In accordance with the decision taken at its eleventh session, the Working Group heard general comments on the draft declaration, it being understood that these would not lead to any changes in the text of the draft declaration. At its forty-sixth session, the Sub-Commission, in its resolution 1994/45, adopted the draft United Nations declaration on the rights of indigenous peoples agreed upon by members of the Working Group without a vote and decided to submit it to the Commission on Human Rights at its fifty-first session. In its resolution 1995/32, the Commission decided to recommend to the Economic and Social Council to establish an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft submitted by the Sub-Commission. The Commission also invited applications from organizations of indigenous people not in consultative status with the Economic and Social Council interested in participating in the working group. Such organizations were requested to send particulars of their organization to the Coordinator of the International Decade of the World's Indigenous People, who would consult with the Government concerned and transmit the information to the Committee on Non-Governmental Organizations of the Economic a .d Social Council for consideration and possible approval. The fifth session of the working group of the Commission on Human Rights to review the "Draft United Nations declaration on the rights of indigenous peoples" was held from 18 to 29 November 1999. The report of the working group is contained in document E/CN.4/2000/84.

13. At its thirteenth session, the Working Group had before it a note by the Chairperson-Rapporteur containing certain criteria which might be applied when considering the concept of indigenous peoples (E/CN.4/Sub.2/AC.4/1995/3). At its forty-seventh session, the Sub-Commission, in its resolution 1995/38, requested that the Chairperson-Rapporteur be entrusted with the preparation of a working paper on the concept of "indigenous people". The working paper (E/CN.4/Sub.2/AC.4/1996/2) was available at the fourteenth session of the Working Group. At its forty-eighth session, the Sub-Commission, in its resolution 1996/31 of 29 August 1996, requested the Chairperson-Rapporteur to prepare a supplementary note on the concept of "indigenous people". The above-mentioned note (E/CN.4/Sub.2/AC.4/1997/2) was available at the fifteenth session of the Working Group.

14. At its seventeenth session, the Working Group decided to review under this item of the agenda indigenous peoples' relationship with natural resource, energy and mining companies.

7. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the second session of the Preparatory Committee in May 2001

15. In its resolution 52/111, the General Assembly decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held not later than 2001 and that the Commission on Human Rights would act as the preparatory committee. The Commission on Human Rights, in its resolution 1999/78, recommended that the World Conference and sessions of the Preparatory Committee be open, inter alia, to interested non-governmental organizations in accordance with Economic and Social Council resolution 1996/31.

16. The Preparatory Committee for the World Conference held its first session in Geneva from 1 to 5 May 2000 and adopted decisions relating to the draft rules of procedure, accreditation of non-governmental organizations not having consultative status with the Economic and Social Council, and participation of indigenous peoples' representatives. The High Commissioner for Human Rights, in her capacity as Secretary-General of the Conference, was invited to draw up a draft declaration and programme of action for the World Conference. The second session of the preparatory committee is scheduled to take place in May 2001 and the World Conference itself will take place in South Africa from 31 August to 7 September 2001.

8. International Decade of the World's Indigenous People, including information relating to the Voluntary Fund for the International Decade and the report of the Advisory Group

17. The recommendation to proclaim an international decade of the world's indigenous people was made by the World Conference on Human Rights in the Vienna Declaration and Programme of Action (Part II, para. 32). The General Assembly, in its resolution 48/163, proclaimed the International Decade of the World's Indigenous People, to commence on 10 December 1994. The General Assembly invited indigenous organizations and other interested non-governmental organizations to consider what contributions they could make to the success of the Decade, with a view to their being presented to the Working Group, decided to observe one day of every year as the International Day of Indigenous People and invited the

Working Group to identify an appropriate day for that purpose, and requested that the meeting to review the International Year also consider preparations for the Decade and report to the Working Group.

18. The Commission on Human Rights, in its resolution 1994/26, invited the Working Group to propose an appropriate day of every year to be observed as the International Day of Indigenous People, following consultations with indigenous people, and requested the Working Group to identify possible projects and other activities in connection with the Decade and to submit them, through the Sub-Commission, to the Commission at its fifty-first session. The suggestions and recommendations arising from the Technical Meeting on the International Year and Decade (20-22 July 1994) were submitted to the Working Group at its twelfth session.

19. At its twelfth session the Working Group recommended that the International Day of the World's Indigenous People be observed annually on 9 August. This recommendation was endorsed by the General Assembly in its resolution 49/214. In the same resolution, the Assembly adopted a short-term programme of activities for the Decade and invited the Commission on Human Rights at its fifty-first session to adjust or supplement it as required. In its resolution 1995/28, the Commission decided upon a final programme of activities for the Decade for the year 1995. The General Assembly, in its resolution 49/214, also recommended that a second technical meeting on the planning of the Decade be convened immediately prior to the thirteenth session of the Working Group.

20. At its fiftieth session, the General Assembly, in its resolution 50/157, adopted the programme of activities for the International Decade of the World's Indigenous People contained in the annex to the resolution. The Commission on Human Rights, in its resolution 1996/39, welcomed the decision of the Assembly to adopt the programme of activities for the Decade; it also welcomed the establishment by the Coordinator of the Decade of an advisory body to provide guidance with regard to the projects and programmes financed from the Voluntary Fund for the International Decade of the World's Indigenous People. The recommendations of the last session of the Advisory Group are contained in document E/CN.4/Sub.2/AC.4/2000/3.

21. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/51, requested the High Commissioner for Human Rights in her capacity as Coordinator of the Decade to submit to the General Assembly at its fifty-fourth session a mid-term report reviewing the implementation of the programme of activities for the Decade, including identification of obstacles to the achievement of the goals of the Decade and recommendations for solutions. The Commission also invited the Working Group to submit its views on the activities of the Decade to the High Commissioner. The report of the High Commissioner is contained in document A/54/487 and Add.1.

22. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/56, took note of the report of the High Commissioner to the General Assembly and recommended that the situation of indigenous people be taken into account at forthcoming United Nations conferences.

9 Other matters

(a) Meetings and seminars,

(b) Voluntary Fund for Indigenous Populations

23 Under this item, members of the Working Group consider a range of questions including meetings and seminars which have been held or are due to be held in the near future In this connection, it may be noted that the twelfth session of the Board of Trustees of the Voluntary Fund for Indigenous Populations met from 10 to 12 April 2000 and agreed to recommend to the Secretary-General that travel grants be given to 66 indigenous delegates wishing to attend the Working Group and 29 indigenous delegates authorized to attend the working group of the Commission on Human Rights reviewing the draft United Nations declaration on the rights of indigenous peoples Information relating to the Voluntary Fund is contained in document E/CN 4/Sub 2/AC 4/2000/4

10 Adoption of the report of the Working Group on its eighteenth session

24 Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session The report of the Working Group, which is prepared while the Sub-Commission is in session, will be contained in document E/CN 4/Sub 2/2000/25

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Item 4 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE:

PRINCIPAL THEME: INDIGENOUS CHILDREN AND YOUTH

Note by the secretariat

1. At its seventeenth session, the Working Group on Indigenous Populations decided to highlight the issue of "indigenous children and youth" at its eighteenth session. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1999/20 of 26 August 1999, endorsed the decision of the Working Group. In its resolution 2000/56 of 24 April 2000, the Commission on Human Rights welcomed the decision of the Working Group to highlight the theme of "indigenous children and youth".

2. In a letter of 5 May 2000, the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, wrote to the Director-General of the United Nations Children's Fund, informing her of the theme of the eighteenth session of the Working Group and inviting UNICEF to contribute to the discussions. The Office of the High Commissioner for Human Rights (OHCHR), transmitted a letter to Governments, intergovernmental organizations and organizations of indigenous peoples including the information that the topic "indigenous children

and youth" would be highlighted by the Working Group at its session in July 2000. OHCHR also informed the Committee on the Rights of the Child at its twenty-fourth session, held in May 2000, about the special theme of the Working Group and invited Committee members to contribute.

3. The purpose of the present note is to identify possible themes related to the topic under discussion and to encourage a technical and forward-looking exchange of views and information among indigenous peoples, States, United Nations bodies and non-governmental organizations. It is to be hoped that the discussions will help the international community understand better the situations of indigenous children and youth and consider effective ways of contributing to solutions. Consideration may also be given to how existing international human rights instruments, in particular the Convention on the Rights of the Child, can be used to promote the rights of indigenous children and youth. It would also be useful to build upon the increasing number of successful initiatives that are currently being undertaken by States and indigenous peoples in improving these situations.

4. OHCHR, in preparing for the eighteenth session of the Working Group, held a number of informal meetings with representatives of indigenous peoples and organizations. It was noted in these discussions that in general indigenous children constitute a disproportionate sector of children in difficult circumstances around the world and as such are facing some of the greatest threats to survival. This is due to the fact that indigenous children are generally disadvantaged by comparison to children in the national society, since, in situations where all children face human rights violations, indigenous children often face double discrimination on account of their "indigenousness". There is, however, a recognized lack of substantive global or national attention and research on the particular vulnerability of these children or the promotion of their civil, cultural, economic, political and social rights. For this reason, the indigenous representatives who were consulted welcomed the opportunity to exchange information about the issue. In the course of the consultations four main themes emerged in relation to indigenous children and youth. These themes were: (a) indigenous children in armed conflict; (b) discrimination: health, administration of justice and unemployment; (c) education, breakdown of intergenerational relationships and loss of indigenous languages and culture; (d) child labour and sexual exploitation of indigenous children and youth.

Indigenous children in armed conflict

5. The vulnerability of indigenous children is exacerbated in situations of armed conflict. For children from indigenous communities, war not only imperils their personal safety and development but also threatens the integrity of their community. Indigenous children in conflict are known to experience severe threats to their physical and mental integrity. The vulnerability of indigenous children and youth in this context is also accentuated by the impact of large numbers of indigenous people who may have fled from areas of armed conflict, and whose children are to be found among the thousands of abandoned, orphaned or homeless children living on the streets of the countries concerned. Indigenous peoples have also referred to the forcible recruitment of indigenous children into the armed forces or paramilitary groups.

6. Attention is drawn to article 11 of the draft United Nations declaration on the rights of indigenous peoples, where it is maintained that indigenous peoples have the right to special protection and security in periods of armed conflicts, in particular forced recruitment of indigenous children, forcible removal from their lands for the purpose of relocation in special centres for military purposes and forcible labour for military purposes. Specifically relevant in this context is article 39 of the Convention on the Rights of the Child which requires States parties to take all appropriate measures to promote the physical and psychological recovery and social integration of children who are the victims of armed conflict.

7. In this respect, it may be necessary to recognize the need for culturally appropriate rehabilitation programmes for the treatment of psycho-trauma inflicted upon the children who have been involved in situations of violence. Supporting rehabilitation is in this context doubly important as it is found that indigenous children who have endured situations of armed conflict may sometimes, as they grow older, inflict the trauma they have suffered on other children.

Discrimination

8. Indigenous people are particularly concerned with the alienation of indigenous children and young people from their own culture as well as their sense of rejection by the wider society. Problems faced by indigenous children in relation to health, the juvenile justice system, education and employment are directly related to those of discrimination.

9. Discrimination and health. The health of indigenous children is identified as an area of grave concern. Infant mortality and morbidity among indigenous people, even in rich countries, is often considerably higher than in the national societies. Indigenous children suffer disproportionately from malnourishment, in particular in communities where there has been a rapid change from a relatively independent lifestyle to a market economy. Exclusion and marginalization are furthermore considered responsible in part for problems related to alcohol, substance and drug abuse among children and youth.

10. Discrimination and the administration of justice. At sessions of the Working Group indigenous organizations have referred to police discrimination against, in particular, indigenous juveniles. They have also expressed concern about the rate of incarceration of young indigenous people and the deaths of indigenous young people in police custody or prison.

11. Discrimination and unemployment. There are indications of discrimination of indigenous youth with regard to employment opportunities, as the unemployment rates of indigenous youth are much higher than those of non-indigenous youth. Unemployment among indigenous youth is seen to be directly related to the widespread lack of vocational and appropriate higher education institutions, as well as the difficulties experienced by indigenous youth in accessing mainstream higher education.

12. Governments and indigenous organizations and institutions have a growing experience of national programmes aimed at addressing the disadvantages faced by indigenous children and youth. Specific activities are in place in several countries to improve vocational training and education in indigenous communities, establish focused employment programmes, sensitize the police and prison services to indigenous cultures, implement forms of indigenous justice for

young offenders, or deal in a culturally appropriate way with the health issues affecting indigenous youth and children. The Working Group may wish to consider examples of these positive programmes.

Education

13. Indigenous peoples have drawn attention to the limited access to schooling in their own language and to the imposition of educational methods and curricula that do not take account of indigenous history and culture. In this context, indigenous culture is sometimes rendered invisible or is distorted and the national language is favoured. These elements may influence the high drop-out rate of indigenous children.

14. This is a recurrent theme in relation to the major areas of concern for indigenous peoples and one that was highlighted at the sixteenth session of the Working Group which centred on the theme "indigenous peoples: education and language". At the sixteenth session the Working Group recognized these discriminatory practices as well as the need to encourage the bilingual instruction and culturally appropriate curricula for indigenous children.

15. The Working Group at its sixteenth session also identified positive steps being taken by indigenous communities and States alike in this context. In their efforts to protect their culture, reinvigorate their languages and ensure the transmission of values from the older generation to the younger, indigenous peoples have established their own schools, colleges and language-teaching courses. States have developed educational policies to encourage and provide support for indigenous-run schools. These developments have led to a rise in educational performance and a resurgence in the use of and interest in indigenous languages. Bilingual education appears to offer a solution to the problem of drop-outs and low educational attainment among indigenous children.

16. Indigenous organizations also referred to the breakdown of intergenerational relationships and the consequent loss of indigenous languages and culture. The combination of a lack of culturally appropriate bilingual curricula for indigenous children and the discrimination that they are subjected to from the national society has left many indigenous children and youth in a cultural and psychological "vacuum". This in turn has had the effect of alienating indigenous children from their own culture and often from their own families and communities. A serious problem for indigenous communities is how to preserve their cultural identity without placing indigenous children and youth in an increasingly vulnerable position vis-à-vis the national society.

17. As requested by the General Assembly in its resolution 52/108, the Office of the High Commissioner for Human Rights organized a workshop on "Higher Education and Indigenous Peoples" which took place from 28 June to 2 July 1999 in Costa Rica. The report on the workshop (E/CN.4/Sub.2/AC.4/1999/5), made available at the seventeenth session of the Working Group, highlighted initiatives with regard to higher education institutions for indigenous peoples, such as the Regional University of the Autonomous Regions of the Nicaraguan Caribbean Coast or the Saskatchewan Federated College in Canada. The importance of improving the educational situation of indigenous children and youth, and with regard to

higher education in particular, was by participants who recognized that the emergence and development of indigenous higher education was vital in establishing indigenous self-esteem and gaining control over development.

18. The Working Group may wish to consider some of the special measures being undertaken by States to improve the access of indigenous children to education, including programmes for bilingual education, indigenous-run schools and colleges, and other relevant initiatives.

Child labour and sexual exploitation of indigenous children and youth

19. In certain countries, indigenous children run a higher risk of being exploited for their labour than any other children. Indigenous organizations have strongly criticized the growth of sex tourism, trafficking and other forms of sexual exploitation of indigenous children, in particular in certain countries and regions. Indigenous girls are found to be particularly vulnerable. There is, however, little national or global attention and information on the particular vulnerability of indigenous children with regard to child labour and sexual exploitation.

20. The Working Group may wish to include these issues in its discussions so that it can make appropriate recommendations to its parent bodies and relevant United Nations organizations and specialized agencies.

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INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE: VOLUNTARY FUND FOR THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE AND REPORT OF THE ADVISORY GROUP

Note by the secretariat

The present note contains the report of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People on its fifth session, held in Geneva from 13 to 14 April 2000, including its recommendations for grants from the Voluntary Fund approved by the Coordinator of the Decade, the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General.

GE.00-14072 (E)

Introduction

1. The Voluntary Fund for the International Decade of the World's Indigenous People was established pursuant to General Assembly resolutions 48/163 of 21 December 1993, 49/214 of 23 December 1994 and 50/157 of 21 December 1995, relating to the International Decade of the World's Indigenous People. In accordance with resolution 48/163, the Secretary-General was requested to establish a voluntary fund for the Decade and was authorized "to accept and administer voluntary contributions from Governments, intergovernmental and non-governmental organizations and other private institutions and individuals for the purpose of funding projects and programmes during the Decade".

2. In accordance with paragraph 24 of the annex to General Assembly resolution 50/157, the Coordinator of the Decade, the United Nations High Commissioner for Human Rights, should "encourage the development of projects and programmes, in collaboration with Governments and taking into account the views of indigenous people and the appropriate United Nations agencies, for support by the Voluntary Fund for the Decade".

3. In accordance with paragraph 23 of the annex to resolution 50/157 on the Programme of Activities for the International Decade, an Advisory Group was created in April 1996, to assist the Coordinator of the Voluntary Fund.

4. The Advisory Group is composed of Mr. Michael Dodson (Chairperson-Rapporteur), Ms. Naomi N. Kipuri, Mr. José Carlos Morales, Ms. Tove Sovndahl Petersen and Ms. Victoria Tauli-Corpuz, who are also members of the Board of Trustees of the Voluntary Fund for Indigenous Populations, as well as the Chairperson of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, and Mr. José Luis Gomez del Prado, appointed by the Coordinator of the Decade.

I. FIFTH SESSION OF THE ADVISORY GROUP

5. At its fifth session, held from 13 to 14 April 2000 at the Office of the United Nations High Commissioner for Human Rights (OHCHR), at the Palais Wilson in Geneva, the Advisory Group held four private meetings.

A. Implementation of recommendations adopted in 1999

6. The Group noted with satisfaction that most of the recommendations adopted at its fourth session had been implemented by its secretariat.

1. Grants to projects proposed by indigenous organizations and communities

7. The Advisory Group was informed that in 1999 sufficient funding was raised, thanks to the contributions made by regular and new donors (including Bolivia, Germany and Saudi Arabia, see annex II), to pay all project grants recommended at the fourth session and approved by the High Commissioner for Human Rights (see E/CN.4/Sub.2/AC.4/1999/4, annexes II and III).

2. OHCHR Indigenous Fellowship Programme

8. The Advisory Group was informed that the four indigenous fellows selected by the High Commissioner on the basis of the Group's recommendations made at its fourth session attended the 1999 OHCHR Indigenous Fellowship Programme. Several members of the Group met with the fellows in Geneva and were pleased with the selection made and the implementation of the Programme. An evaluation was presented to the Group by the OHCHR Indigenous Project Team. Funds were made available by OHCHR under the United Nations regular budget for 1999.

9. The Advisory Group was also informed that the four new indigenous fellows selected at its inter-sessional consultation held in October 1999 on the Fellowship Programme 2000 were approved by the High Commissioner (see annex I). Funds were made available by OHCHR under the regular budget for 2000 so that the Fellowship Programme could be implemented without delay in 2000.

10. The Advisory Group expressed its appreciation for the decision taken by the High Commissioner for Human Rights and the Deputy High Commissioner to provide allocations under the regular budget for 2000 for the Fellowship Programme.

3. Workshop on Higher Education and Indigenous Peoples in Costa Rica

11. The Advisory Group was informed that the workshop was successfully held in San José from 28 June to 2 July 1999, as recommended by the Group in 1998 and by the Commission on Human Rights in its resolution 1997/32 and endorsed by the General Assembly in 1997 (see E/CN.4/Sub.2/AC.4/1999/5, Report on the Workshop on Higher Education and Indigenous Peoples). The Group expressed its warm appreciation to the Government of Costa Rica for having hosted the workshop.

4. Subregional seminars in Africa

12. The Advisory Group was informed that these workshops had to be postponed but that sufficient funding was available.

B. Financial situation of the Fund

13. The Advisory Group reviewed the financial situation of the Fund and all relevant information available at OHCHR, including the list of contributions paid or pledged available at the fifth session (see annex II).

C. Recommendations for 2000 for programmes under the International Decade

1. Project grants to indigenous organizations and communities

14. The Group examined 60 applications for project grants received within the deadline and within the mandate of the Fund, in the light of the selection criteria annexed herewith (see annex III). The organizations which have submitted applications after the deadline or outside the mandate have been informed accordingly by the secretariat.

15. The Group recommended that grants be awarded to 17 projects for a total of about US$ 150,000 (see annex IV.A). The Group also recommended three other grants for projects on a contingency list (annex IV.B), which will be paid should a sufficient amount of new contributions be received.[1]

16. The secretariat of the Fund will continue to reply to all applicants whose projects were not recommended for a grant. These project leaders will be advised to contact for fund-raising purposes other United Nations agencies and/or relevant bilateral governmental agencies working in their country.

2. OHCHR Indigenous Fellowship Programme

17. The Advisory Group emphasized the need for the Indigenous Fellowship Programme to be an integrated activity of the United Nations human rights programme and therefore to be financed under the United Nations regular budget. It reiterated its willingness to be consulted and provide advice to the High Commissioner on the selection of the OHCHR indigenous fellows.

18. The Group recommended that for the selection of the candidates for the 2001 Programme all members should be present during the selection process, if possible, otherwise a conference should be organized.

19. The Group took note of the agreement between OHCHR and the University of Bilbao (Spain) according to which four Spanish-speaking indigenous fellows previously selected by the Group will be able to attend the OHCHR Indigenous Fellowship Programme in Geneva for two months.

20. As far as the selection of externally funded fellows was concerned, the Advisory Group reaffirmed that the applicants should meet the OHCHR criteria for selection, that they should go through the normal selection procedure established for the OHCHR Indigenous Fellowship Programme, and that the number of externally funded fellows should not exceed the number of fellows financed by the Fund.

3. Second workshop for indigenous journalists

21. The Advisory Group reiterated its strong support for the organization of a second workshop for indigenous journalists. Noting information made available by the OHCHR

Indigenous Project Team, and taking into consideration the particular wishes expressed by indigenous peoples, the Group recommended that the Team should make a further effort to organize this workshop in Atlanta together with the Carter Center. If this effort proved unsuccessful, the Advisory Group recommended that preparations be made for the workshop to be held at United Nations Headquarters.

4. Subregional seminars in Africa

22. The Advisory Group reiterated its strong support for the organization of the two subregional seminars in Africa (see para. 12 above), noted information made available by the OHCHR Indigenous Project Team and recommended that the Team continue its informal discussion with the Governments of relevant African States including Mali and South Africa.

5. Workshop for indigenous children

23. The Advisory Group strongly supported the organization of a workshop for indigenous children, to be held in Geneva prior to the session of the Working Group on Indigenous Populations in 2000, and recommended a grant of up to US$ 23,000 to assist with the participation of representatives from indigenous communities and organizations.

24. The Advisory Group reiterated its willingness to be consulted by the OHCHR Indigenous Project Team in the preparation of workshops, seminars and meetings financed by the Fund, including the selection of indigenous experts to attend such events.

D. Fund-raising

25. The Advisory Group met with representatives of interested donor Governments, including Canada, Denmark, France, the Holy See and Norway, and a representative of the Greenland Home Rule Government. The Chairperson and the other members of the Group expressed their gratitude for the regular donors' generous contributions, and recommended a sustained effort and, if possible, an increase in the voluntary contributions. The Group encouraged even symbolic contributions by new donors as an expression of interest in funding projects and programmes during the International Decade of the World's Indigenous People.

II. SIXTH SESSION OF THE ADVISORY GROUP

26. Taking into consideration the increased number of applications for project grants that had to be analysed at the fifth session, the Advisory Group recommended that its next session should be extended from two to three or four days, and that it should be scheduled prior to the consideration by the Commission on Human Rights of the agenda item on indigenous populations. The Group also recommended that the presentation of the financial situation of the Fund to the Commission by its Chairperson should be included in the provisional timetable and work programme of the sixth session. The Group also recommended that its secretariat consult the Bureau in advance of the next session of the Commission to arrange a suitable date for this presentation.

27. The Group decided to include in the provisional agenda of its sixth session a separate item on the review of the use of grants paid in 1997 (12 grants), 1998 (13 grants) and 1999 (24 grants, see E/CN.4/Sub.2/AC.4/2000/4, annex III) and the reporting obligations of organizations and communities. The Group recommended that its secretariat should send reminders to those project leaders who have not yet submitted satisfactory narrative and financial reports, asking them to do so by the end of 2000.

28. Other issues which could not be discussed at the fifth session for lack of documentation or time and which were deferred to the sixth session for consideration by all members include:

(a) The question of emergency grants, the Board's secretariat should submit at the sixth session a document exploring the possibility of providing, during the inter-sessional period, emergency grants for a small amount of money (for instance, up to a maximum of US$ 5,000) and describe a consultation process, on the basis of the experience of a similar procedure established by another General Trust Fund for direct humanitarian assistance;

(b) The question of the practical implications of accepting as OHCHR Fellows indigenous candidates accompanied by children;

(c) A proposal by the OHCHR Indigenous Project Team to organize a workshop on indigenous peoples, human rights and the private sector;

(d) A proposal by the OHCHR Indigenous Project Team for training in human rights and capacity-building at the country level;

(e) The question of the appointment of a consultant to assist the OHCHR Indigenous Project Team.

Note

[1] A contribution of US$ 129,381 paid by Denmark was duly registered by the United Nations Treasurer on 11 April 2000 which will allow the grants on the contingency list to be paid.

Annex I

UNITED NATIONS VOLUNTARY FUND FOR THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

OHCHR Indigenous Fellowship Programme for the year 2000

1. The Advisory Group recommended during its inter-sessional consultation in October 1999 that the following four candidates should be offered grants to participate in the OHCHR Indigenous Fellowship Programme for the year 2000:

Mr. Benoni Mugenzura (Rwanda)
Ms. Anjana Subba (Nepal)
Mr. Sixto Castro Jampir Acapat (Bolivia)*
Ms. Brenda Oljenik (Canada)

2. Furthermore, the following list of eight alternative candidates was established:

Mr. Johnson Ole Kaunga (Kenya)
Ms. Kanniganchi Parmer (India)
Mr. Samuel Casper Pinedo (Peru)
Ms. Meda Synder (USA)
Mr. Abdelkrim Smaill (Algeria)
Mr. Mrinal Kanti Tripura (Bangladesh)
Ms. Ximena Cecilia Vasquez Mazuelos (Chile)
Ms. Cindy Dickson (Canada)

3. On 20 December 1999 this recommendation was approved by the High Commissioner for Human Rights.

* This candidate was later replaced by the alternative candidate, Mr. Mrinal Kanti Tripura (Bangladesh).

Annex II

CONTRIBUTIONS AND PLEDGES AVAILABLE FOR THE FIFTH SESSION

A. New contributions as at 11 April 2000

Donor	Amount in US$	Paid on	Paid in	Voucher No.	No. of contribution
Bolivia	1 000	20 Oct. 1999	NY	B045993	1st
Cyprus	2 009	15 March 2000	GVA	4000007269	3rd
Estonia	9 596	10 Jan. 2000	GVA	4000006342	2nd
Germany	26 030	10 Dec. 1999	GVA	94000005875	1st
Japan	35 000	29 Feb. 2000	NY	B047171	5th
New Zealand	10 867	02 Sept. 1999	GVA	94000004442	5th
Norway	62 327	29 Dec. 1999	GVA	94000006221	3rd
Saudi Arabia	10 000	22 July 1999	GVA	94000003915	1st
Sweden	36 876	28 Oct. 1999	GVA	94000005226	2nd
Aboriginal and Torres Strait Islander Commission	6 530	09 July 1999	GVA	94000003896	4th
Erasmus Prize[a]	108 568	31 Jan. 2000	GVA	4000006114	1st
Mr. D. Prémont	125	27 March 2000	GVA	3/18	1st
Total	308 928				

B. Outstanding pledges as at 11 April 2000

Donor	Amount in US$	Pledged in	Local currency	Pledged on
Chile	5 000	NY		23 Nov. 1999
Denmark	129 381[b]	GVA	1 000 000	22 March 2000
Netherlands	101 051	GVA	212 000 (Guilders)	25 Nov. 1999
Sweden	34 443	GVA	300 000 SEK	31 March 2000
Tunisia	951	NY		4-5 Nov. 1998
Total	270 826			

[a] The Coordinator of the Decade, Ms. Mary Robinson, received the Erasmus Prize, awarded by the Praemium Erasmianum Foundation to a person or institution that has made an exceptionally important contribution to European culture, society or social science, and decided to give part of it to this Fund.

[b] Paid at the beginning of April 2000 according to the Representative of the Danish Ministry of Foreign Affairs at the meeting of the Advisory Group with donors on 12 April 2000, but not yet officially registered by the United Nations Treasurer. The Secretariat later on received confirmation that the payment had been received on 11 April 2000 by UNOG.

Annex III

GUIDELINES

Objectives of the Fund

- To support the Programme of Activities adopted by the General Assembly in its resolution 50/157

- To provide assistance to projects and programmes advancing the goal of the International Decade - international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education, culture and health

Who can apply

- Indigenous peoples, communities and organizations, non-governmental organizations and academic and other similar institutions, organizations should be non-profit-making

- National committees for the Decade

- The organization submitting the project for funding should have the capacity to raise needed additional money from other sources

Main project areas

- The programme of activities and objectives of the Decade as well as the recommendations of the Vienna Declaration and Programme of Action as they relate to indigenous people

- Indigenous organizational structures and procedures and their strengthening through education, training and institution- and capacity-building, bearing in mind the need to respect their relevant traditions

- Education and training in human and indigenous rights

- Information about indigenous peoples and the Decade

- Communications and exchanges between the United Nations system and indigenous peoples and between indigenous peoples

- Fund-raising initiatives in promoting the objectives of the Decade

Criteria for selection

- Projects should be of direct benefit to indigenous people in all parts of the world
- Projects should be prepared by or in full support and consultation with indigenous people
- Projects will be considered taking into account gender balance
- Particular consideration will be given to projects from underdeveloped areas in different regions
- Projects will be approved in relevant areas including in particular those relating to promotion, protection and implementation of human and indigenous rights

Deadline and consideration of projects

- Projects should be sent to the secretariat of the Fund before 1 October
- Complete application forms must be duly completed in English, French or Spanish and dated and signed by the project leader
- Applications to the Fund will be considered at the annual session of the Advisory Group in March/April of each year

Grants by the Fund

- Grants by the Fund will not exceed US$ 50,000

Annex IV

A. LIST OF PROJECT GRANTS APPROVED BY THE ADVISORY GROUP AT ITS FIFTH SESSION

Organization	Title of project	Country Indigenous community represented	Amount recommended in US $	Conditions attached to the grant
AFRICA				
Dupoto-e-Maa (Olkejuado Pastoralists Development Organization)	Land protection campaign project, Indigenous Maasai of Kajiado	Kenya Maasai	10 000	For capacity-building and advocacy
Tomwo Intergrated Pastoralist Development Initiatives	Land rights, natural resource management and paralegal/democratic leadership education	Kenya Pokot	10 000	
Working Group of Indigenous Minorities in Southern Africa (WIMSA)	Preparatory planning meeting for the eighteenth session of UNWGIP with the San of southern Africa	Namibia the San (Bushmen)	6 000	
TILALT	Education and training in human and indigenous rights	Niger Touareg	10 000	For training and sensitization programme by radio
Association Sahel solidarité action	Human rights education in Touareg schools in Agadez	Niger Kel Tamasheq	10 000	For training materials and teachers' salaries

Organization	Title of project	Country Indigenous community represented	Amount recommended in US $	Conditions attached to the grant
Community Research and Development Services CORDS	Pastoral Resource Utilization and Management Project	United Republic of Tanzania Maasai	15 000	To contribute to the workshops and operational costs of the project
AMERICAS				
Kekchi Council of Belize	Institutional strengthening and programme planning for the Kekchi Council of Belize	Belize Kekchi Maya	5 000	
Centro de Educación Campesina de Bases	Rehabilitation and improvement of terrasses in the Andean Valley	Bolivia Icharani, Llokahuaya, Cohajoni	5 600	For planting and construction materials
Coordinadora de Comunidades en Conflicto Arauco-Malleco	Creation of a centre for the defence and promotion of Mapuche rights	Chile Mapuche	5 000	
Asociación de Cabildos Genaro Sánchez	Tradition and customs of the Kokonukos, an indigenous view on the environment	Colombia Kokonukos	6 600	

Organization	Title of project	Country Indigenous community represented	Amount recommended in US $	Conditions attached to the grant
Saqb'e Mayab' Moloj	Production of educational materials on Maya youth	Guatemala Maya	5 000	For travel, the radio programme and the costs of a computer
Asociación Coordinadora de Comunidades Indígenas de El Salvador	Education and training in indigenous and general rights	El Salvador Nahuat	5 000	For workshops
ASIA				
Youth Forum for Social Action YFSA	Capacity-building workshop/group discussions for training the local indigenous people in their welfare and development	India Oraon	12 550	
All India Santal Welfare and Cultural Society	Socio-political empowerment of the indigenous tribes (Santals) of Litipara Block in Pakus district of Santal Parganas (Bihar) through the traditional village councils (the Manjhi Pargana System)	India Santals and others	10 000	Not to be used to pay for honorariums
Ecological Services Centre (Ecoscentre)	Education on indigenous rights and protected areas in Chitwan, Nepal	Nepal Tharu, Bote, Majhi, Kumal, Darai, Musahar	10 805	

Organization	Title of project	Country Indigenous community represented	Amount recommended in US $	Conditions attached to the grant
EUROPE				
Russian Association of Indigenous Peoples of the North (RAIPON)	A. Direct assistance B. Workshop in the Russian Far East: from humanitarian assistance to sustainable development	Russian Federation Batani	A. 13 400 B. 10 000	1. Pending receipt of satisfactory narrative and financial reports on the use of the previous grant. 2. The Secretariat should advise the organization to contact UNDP for additional assistance.

Total number of projects: 17
Total amount: US$ 149,955

B. CONTINGENCY LIST OF PROJECT GRANTS RECOMMENDED BY THE ADVISORY GROUP AT ITS FIFTH SESSION

Organization	Title of project	Country Indigenous community represented	Amount Approved in US $	Conditions
Asociación de Literatura y Arte CASCADAS	Primer Concurso Internacional de Poesia Quechua y Aymara	Bolivia Quechua, Aymara	5 000	For awards, as well as publication and dissemination activities
Asociación Indigena Urbana PACHA - ARU	Promotion and dissemination of indigenous laws	Chile Aymara	10 000	For workshops
Comité Autónomo Ejecutivo de Proyecto CAEP	Demarcation of the property of native communities in the Peruvian rainforest	Peru Asheninkas	10 000	

Total number of projects: 3
Total amount: US$ 25,000

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Sub-Commission on the Promotion
and Protection of Human Rights
Working Group on Indigenous
Populations
Eighteenth session
24-28 July 2000
Item 9 of the provisional agenda

OTHER MATTERS

Voluntary Fund for Indigenous Populations

Note by the secretariat

The present note contains the recommendations adopted by the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations at its thirteen session, held in Geneva from 10 to 12 April 2000. These recommendations were approved by the High Commissioner for Human Rights on behalf of the Secretary-General on 13 April 2000.

GE.00-13943 (E)

1. At its thirteenth session, held in Geneva from 10 to 12 April 2000, the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations examined, at six meetings, information prepared by the Office of the High Commissioner for Human Rights (OHCHR) concerning applications for new travel grants, the financial situation of the Fund, contributions paid by Governments, NGOs and individuals and the implementation by the secretariat of the Board and Fund of the recommendations adopted in 1999 by the Board at its twelfth session and approved by the High Commissioner for Human Rights on behalf of the Secretary-General.

Mandate of the Fund

2. Convinced that the establishment of a voluntary trust fund would constitute a significant development for the future promotion and protection of the human rights of indigenous populations, the General Assembly established the United Nations Voluntary Fund for Indigenous Populations by resolution 40/131 of 13 December 1985. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights by providing them with financial assistance funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities (see annex I, "Criteria for selection of beneficiaries").

3. The General Assembly extended the mandate of the Fund by resolution 50/156 of 21 December 1995 by deciding that the Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established by the Commission in its resolution 1995/32, as endorsed by the Economic and Social Council on 25 July 1995.

4. The General Assembly again extended the mandate of the Fund by resolution 53/130 of 9 December 1998 by deciding that the Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional ad hoc working group of the Commission on Human Rights established by the Commission in its resolution 1998/20, as endorsed by the Economic and Social Council in its decision 1998/247 of 30 July 1998.

Board of Trustees

5. The mandate of the Board is to advise the Secretary-General on the administration of the Fund, through the Office of the High Commissioner for Human Rights. The Board is composed of five persons with relevant experience in issues affecting indigenous populations, who serve in their personal capacity as United Nations experts. The Board members are appointed by the Secretary-General for a three-year term, renewable in consultation with the current Chairman of the Sub-Commission on the Promotion and Protection of Human Rights. At least one member shall be a representative of a widely recognized organization of indigenous populations.

6. The five members who have been appointed by the Secretary-General for a three-year renewable term ending on 31 December 2002, with due regard for equitable geographical distribution and in consultation with the current Chairman of the Sub-Commission, are

themselves indigenous experts: Mr. Michael Dodson (Australia), Ms. Naomi N. Kipuri (Kenya), Mr. José Carlos Morales Morales (Costa Rica), Ms. Tove S. Petersen (Greenland/Denmark) and Ms. Victoria Tauli-Corpuz (Philippines, Chairperson).

Beneficiaries

7. The criteria for the selection of beneficiaries have been established by the General Assembly, the Commission on Human Rights, as well as by the Secretary-General upon recommendations of the Board of Trustees (see annex I).

Thirteenth session of the Board of Trustees

8. The thirteenth session of the Board of Trustees of the Voluntary Fund for Indigenous Populations was held at the Palais Wilson in Geneva from 10 to 12 April 2000. The Board held six private meetings.

9. The Board noted with satisfaction that all recommendations adopted at its twelfth session in 1999 had been implemented by its secretariat (see E/CN.4/Sub.2/AC.4/1999/6).

10. The list of contributions available for the thirteenth session of the Board are listed in annex II.

11. The Board considered at its thirteenth session:

(a) 119 applications for grants to cover travel and per diem expenses for indigenous representatives to attend the eighteenth session of the Sub-Commission's Working Group on Indigenous Populations from 24 to 28 July 2000; and

(b) 36 applications for grants to cover travel and per diem expenses for indigenous representatives to attend the sixth session of the working group established by the Commission on Human Rights in its resolution 1995/32 to elaborate a draft United Nations declaration on the rights of indigenous peoples, from 16 to 27 October 2000.

Recommendations for grants

12. After having examined the applications in light of the selection criteria (see annex I), the Board recommended the following:

(a) 66 grants to representatives of indigenous communities and organizations (23 women and 43 men) to allow them to attend the Working Group on Indigenous Populations, for a total amount of about US$ 163,000;

(b) 29 grants to representatives of indigenous communities and organizations (7 women and 22 men) to attend the working group to elaborate the draft United Nations declaration on the rights of indigenous peoples, for a total amount of about US$ 102,200;

(c) Sufficient funds (amounting to a minimum of US$ 100,000) for grants to allow indigenous representatives to attend a possible new meeting on the Permanent Forum, pending adoption of the relevant resolution by the General Assembly, which could extend the mandate of the Fund (see para. 4 above), applicants must comply with the criteria adopted by the Board. Priority should in this case be given to beneficiaries who participated in the first and second sessions of the ad hoc working group on the establishment of a permanent forum in 1999 and 2000, the members of the Board who will be in Geneva in October 2000 will meet briefly to consider applications and adopt recommendations.

13. The Board noted with satisfaction that the amount of grants allocated had increased since the beginning of the International Decade of the World's Indigenous People in 1995 owing to an increase in contributions received and an increase in the number of satisfactory applications for funding (see annex V, "Grants allocated per Working Group" and annex VI, "Grants allocated 1995-2000").

Participation in the session of a working group

14. The secretariat and members of the Board attending a working group will meet with the beneficiaries and remind them of the requirement that they should attend and participate in all meetings of the working group.

15. During the sessions of the working groups, the secretariat will again organize a meeting with indigenous representatives to explain how to apply for grants from the Fund.

Fund-raising

16. The Board met with representatives of donor Governments. The members expressed their gratitude and appreciation for the donors' generous contributions. They recommended a sustained effort and, if possible, an increase in their contributions. The Board was encouraged by even symbolic contributions as an expression of interest in the participation of indigenous populations. The Board invited donor Governments to continue to meet with the Board during its annual session at appropriate times to discuss issues of common concern.

17. Board members recommended to the High Commissioner for Human Rights to send a letter of appeal to all Governments for additional contributions to be paid by the end of the year 2000, in order to allow the Board to increase further the number of grants and the representation of indigenous communities and organizations in 2001.

18. The Board recommended that the Bureau of the Commission on Human Rights at its next meeting in the year 2001 should again invite the Chairperson or any other member of the Board who could be in Geneva during the session of the Commission to introduce the report on the Board's thirteenth session, comment on the implementation of the Board's recommendations, describe the needs of the Fund and appeal to interested donors for new contributions.

Annex I

CRITERIA FOR SELECTION OF BENEFICIARIES

1. According to General Assembly resolution 40/131, the only beneficiaries of assistance from the Fund shall be representatives of indigenous populations' organizations and communities

(a) Who are so considered by the Board of Trustees,

(b) Who would not, in the opinion of the Board, be able to attend the sessions of the working groups without the assistance provided by the Fund,

(c) Who would be able to contribute to a deeper knowledge on the part of the working groups of the problems affecting indigenous populations and who would secure a broad geographical representation

2. According to Commission on Human Rights resolution 1995/32, in addition, organizations must be in consultative status with the Economic and Social Council or be authorized by the Committee on Non-Governmental Organizations of the Council to attend the working groups of the Commission on Human Rights

3. Further, the Board has developed the following practice and guidelines which have been approved by the Secretary-General

(a) The representatives applying for a grant should be indigenous and the organizations nominating them should also be indigenous organizations,

(b) The Board selects both representatives who have never participated in a session of a working group and representatives who have already participated and could develop specialized capacity and strengthen the core group of participants in a working group,

(c) The Board considers a maximum of two applicants per organization,

(d) The Board does not consider applicants who do not provide a letter of support signed by an executive official or body of their indigenous organization (self-supporting letters will not be considered nor an applicant who is not an indigenous person),

(e) Applicants are requested to fill out, sign and date their application forms and to attach a letter of recommendation by their organization. The applications and attachments must be submitted in one of the working languages of the Board's secretariat (English, French or Spanish). Applications received in another official language of the United Nations (Arabic, Chinese or Russian) will be returned to the applicants with the request that a translation in English, French or Spanish be re-submitted to the Board's secretariat. Applications and letters of recommendation in languages other than English, French or Spanish, will not be considered by the Board of Trustees,

(f) The Board encourages indigenous organizations and communities to consider gender balance and, if possible, to present one woman and one man;

(g) The Board encourages indigenous organizations and communities to consider nominating young persons;

(h) The Board encourages the former beneficiaries of the OHCHR Indigenous Fellowship Programme to apply for grants to represent their indigenous organization or community at sessions of the working groups by sending duly completed application forms and meeting all the criteria for selection;

(i) Applicants are requested to indicate their responsibility in their organization or community;

(j) Applicants to attend the eighteenth session of the working group on Indigenous Populations have been requested to refer, in their statements, to the specific theme of the year which is "Indigenous children and youth".

Annex II

VOLUNTARY FUND FOR INDIGENOUS POPULATIONS

I. Contributions available for the thirteenth session of the Board of Trustees in April 2000[a]

State	Amount (US$)	Geneva/ New York	Paid on
Canada	10 194	GVA	29.06.1999
Cyprus	2 009	GVA	15.03.2000
Denmark	40 000	GVA	24.06.1999
	40 000	GVA	11.04.2000
Estonia	9 596	GVA	10.01.2000
Finland	34 062	GVA	23.03.2000
Greece	6 300	GVA	15.04.1999
Holy See	1 000	GVA	31.12.1999
Japan	13 000	NY	29.02.2000
Norway	49 862	GVA	30.12.1999
Switzerland	8 750	GVA	26.01.2000
	13 125	GVA	26.01.2000

NGOs and individuals	Amount (US$)	Geneva/ New York	Paid on
A.T.S.I.C.	13 060	GVA	20.07.1999
Shimin Gaikou Centre	1 500	GVA	14.04.1999
	1 500		17.03.2000
Mr. Daniel Prémont	120	GVA	27.03.2000
Total: 244 078			

[a] According to Official Receipt vouchers available at OHCHR.

II. Pledges made

State	Amount (US$)	Pledged in Geneva/New York	Pledged on
Bolivia	1 000	NY	2-3.11.1999
Chile	5 000	NY	2-3.11.1999
Total: 6 000			

Annex III

LIST OF BENEFICIARIES RECOMMENDED BY THE BOARD OF TRUSTEES TO ATTEND THE EIGHTEENTH SESSION OF THE WORKING GROUP ON INDIGENOUS POPULATIONS
(24-28 JULY 2000)

Name of Representative[a]	Organization	Indigenous populations represented[b]	City, State[c]
Mohamed Ikarbane (m)	Mouvement culturel berbère	Berbères	Tizi-Wezzu, Algeria
Sabrina Nouri (f)	Association pour le développement TIGMI	Amazigh (Berbère)	Tizi-Ouzou, Algeria
Megan Davis (f)	Faira Foundation Aboriginal Islander Research Action	South East Queensland Aboriginal groups: Wakka Wakka, Gubbi Gubbi and Yugambeh	Woollongabba, Australia
Liton Bom (m)	Chin Human Rights Organization	Chin	Bandarban, Bangladesh
Loyal David Hauheng (m)	Bawm Indigenous Peoples' Organization	Bawm, Lushai, Pangkhua, Khiang, Khumi and Chak	Chittagong, Bangladesh
Jiten Chakma (m)	Chittagong Hill Tracts Students Council (PCP)	10 multilingual ethnic minorities in the Chittagong Hill Tracts	Dhaka, Bangladesh
Niranjana Chakma (f)	Hill Women's Federation (HWF)	Populations in the Chittagong Hill Tracts including the Chakma, Marma, Tripura, Murang, Hajong, Lusai and Panco.	Dhaka, Bangladesh
Mrinal Kanti Tripura (m)	Parbatya Chattagram Jana Samhati Samiti (PCJSS)	11 ethnic groups including the Chakma, Marma, Tripura, Chak, Bowm, Khiang, Khumit.	Khagrachari, Bangladesh

Name of Representative[a]	Organization	Indigenous populations represented[b]	City, State[c]
Maria Eugenia Choque Quispe (f)	Taller de historia oral Andina	Populations in La Paz, Oruro and Potosí	La Paz, Bolivia
Moises Gutierrez Rojas (m)	Movimiento Revolucionario Tupaq Katari de Liberación (MRTKL)	Aymara, Quechua, Chaco of Bolivia	La Paz, Bolivia
Edina Silva de Souza (f)	Fundaçao Araporã	Guarani Kaiwá and Ñandeva	Dourados, Araraquara, Brazil
Saoudata Aboubacrine (f)	Tin Hinane	Tuareg	Ouagadougou, Burkina Faso
Fadimatou Dahirou (f)	Mbororo Social and Cultural Development Association of Cameroon (MBOSCUDA)	Mbororo	Yaounde, Cameroon
Daniel Ashini (m)	Innu Council of Nitassinan	Innu	Sheshatshiu, Labrador, Canada
Armand McKenzie (m)	"	"	Sept-Illes, Quebec, Canada
Emperatriz Cahuache Casado (f)	Organización de los pueblos indígenas de la Amazonia Colombiana	52 indigenous populations (Guanano, Haitoto, Piratapuyo, etc.)	Bogotá, Colombia
Ricardo Aroca Aguja (m)	Asociación de Cabildos Indígenas del Tolima	Pijao, Timanaes, Panches and Paeces	Tolima, Colombia
Leonor Zalabata Torres (f)	Confederación indígena Tayrona (CIT)	Arhuaco and Kogi	Valledupar, Colombia
Stephan Ilundu Bulambo (m)	Programme d'intégration et de développement du peuple Pygmée au Kivu	Pygmies: Mbuti, Batwa, Babuluku, Barhwa, etc.	Bukavu, Democratic Republic of Congo

Name of Representative[a]	Organization	Indigenous populations represented[b]	City, State[c]
Brigitte Wingaarde (f)	Fédération des organisations amérindiennes de Guyane (FOAG)	Kali'na, Lokono, Teko, Wayanas, Wayapis, and Pahikweneh	Cayenne, French Guyana, France
Jebra Ram Muchahary (m)	Tribal Welfare Society	Tribal peoples in Assam (Bodo indigenous population)	Bijni, India
Suan Tung Parte (m)	Zo Re-Unification Organization (ZORO)	ZO indigenous peoples	Aizawl, India
Tarulata Kakoti (Majhi) (f)	Adivasi Socio-Education and Cultural Association	Santals and other Adivasis	Guwahati, India
Bineet Mundu (m)	Chotanagpur Adivasi Sewa Samiti	Adivasis of Chottanagpur region	New Delhi, India
Ferry Marisan (m)	The Institute for Human Rights Studies and Advocacy	West Papua Island (250 indigenous peoples groups)	Yayapura, Irian Jaya, Indonesia
Stephen S. Ole Timoi (m)	Duputo e Maa	Maasai	Kajiado, Kenya
Emmanuel Mariach Lousot (m)	Tomwo Integrated Pastoralist Development Initiatives (Tomwo, IPDI)	Pokot	Kapenguria, Kenya
David Yator Kiptum (m)	Sengwer Indigenous Development Project	Sengwer (Cherangany)	Kitale, Kenya
Francis Kiptarus Kipserem (m)	Sengwer Cherangany of Kenya	"	"
Chepkoech Ruth Kisabit (f)	Saboat community	Saboat	"
Johnson M.N. Ole Kaunga (m)	Org. for Survival of Il-Laikipiak Indigenous Maasai Group Initiatives (OSILIGI)	Laikipia Maasai	Nanyuki, Kenya

Name of Representative[a]	Organization	Indigenous populations represented[b]	City, State[c]
Margaret Lesuuda (f)	"	"	"
Ag Mohamed Habaye (m)	Tidawt ("vivre ensemble et autrement")	Touaregs	Nouakchott, Mauritania
Alvaro Eugenio Vazquez Juarez (m)	Asamblea de autoridades Zapotecas y Chinantecas de la Sierra	Zapoteca and Chinanteca	Oaxaca, Mexico
Mohamed Ait Ikkou (m)	Association nouvelle de la culture et des arts populaires - Tamaynut	Amazigh (Berbères)	Rabat, Morocco
Fatima Elwafi (f)	"	"	"
Laurentius Sebastianus Davids (m)	Khoekhoegowab Curriculum Committee	Khoekhoegowab speakers including the Nama, Damara and Haillom people	Okahandja, Namibia
Paul David Vogelsang (m)	Nama First Indigenous Peoples Forum	Namas	Keetmanshoop, Namibia
Katrina Vries (f)	"	"	"
Kxao Moses Coma (m)	Nyae Nyae Conservancy	Ju/'hoansi (San)	Windhoek, Namibia
Joram Uiseb (m)	Working Group of Indigenous Minorities of Southern Africa (WIMSA)	San	"
Kripa Ram Rai Kirati (m)	Nepal Indigenous Peoples Development and Information Service Centre (NIPDISC)	Rai/Kirati, Limbu, Gurung, Magar, Tamang	Kathmandu, Nepal
Tracey Whare (f)	Ngatira Lands Trust	Ngati Ahuru (Ngati Raukawa)	Wellington, New Zealand

Name of Representative[a]	Organization	Indigenous populations represented[b]	City, State[c]
Taki Anaru (m)	Wellington Maori Legal Service	Maori	Wellington, New Zealand
Elhadji Ahmed Ouma (m)	Association Sahel, solidarité action (ASSA)	Tuareg	Agadez, Niger
Sada Albachir (f)	Association Tunfa-communauté Tuareg	"	"
Estebancio Castro Diaz (m)	Movimiento de la Juventud Kuna (M.J.K.)	Kuna	Panama, Panama
Luis Delgado Hurtado (m)	Yachay Wasi	Indigenous populations in Acopia and Ayallacta	Cuzco, Peru
Carlos Alberto Merlo Gutierrez (m)	Consejo Indio de Sud-America, CISA, Peru	Wankas, Wari, Cashinagua, Cashibo, Cacataibos, Shipibo, Conibo, Huacrachucos	Lima, Peru
Tomas Alarcon (m)	Comisión Juridica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)	Aymara-Quechuas	Tacna, Peru
Pepito Moranos (m)	Lumad Mindanaw Peoples Federation (LMPF)	Lumad	Davao City, Philippines
Chito Balintay (m)	Pagkakaisa Ng Aeta Ng Pinatubo (PAP)	Aeta tribe	Zambales, Philippines
Tanitpasov Semen (m)	Altay peoples' Kurultay	Altay	Gorno, Russian Federation
Goulvaira Shermatova (f)	The Association of the Kumandin	Kumandin	Biisk, Russian Federation
Galina Tunekova (f)	Association of the Shor peoples	Shor	Tachtagol, Russian Federation

Name of Representative[a]	Organization	Indigenous populations represented[b]	City, State[c]
Konstantin Robbek (m)	The Institute of problem of Northern Indigenous Peoples of Sakha Republic	Even, Evenk, Golgan, Chukchi, Yukagir.	Yakutsk, Russian Federation
Zephyrin Kalimba (m)	Association pour la promotion des Batwa (APB)	Batwa/Pygmies	Kigali, Rwanda
Marthe Muhawenimana (f)	Association pour la promotion des Batwa (APB)/Femmes Nsanabandi	Batwa	"
J. Claude Kalinganire (m)	Communauté des autochtones Rwandais	"	"
Kristina Nordling (f)	Swedish section of the Sami Council, Same Atnam	Sami	Jokkmokk, Sweden
Nadir Bekirov (m)	Meljis of Crimean Tatar People	Crimean Tatars	Simferopol, Ukraine
Adam Kuleit Ole Mwarabu (m)	Parakuiyo Community	The Parakuiyo Pastoralists, one of the Maa speaking groups	Handeni, Coast Region, United Republic of Tanzania
Laban Moreto (m)	Parakuiyo Community	The Parakuiyo Pastoralists, one of the Maa speaking groups	Handeni, Coast Region, United Republic of Tanzania
Ronald Barnes (m)	Indigenous Peoples and Nations Coalition working with Indigenous World Association	Yupiag, Eyak	Anchorage, Alaska, USA
Mililani Trask (f)	Na Koa Ikaika O Ka Lahui Hawai'i	Kanaka Maoli	Hilo, Hawaii, USA

[a] According to the application forms, all the representatives are indigenous themselves.

[b] Indigenous populations represented, according to the application form.

[c] According to the application form.

Annex IV

LIST OF BENEFICIARIES RECOMMENDED BY THE BOARD OF TRUSTEES TO ATTEND THE 6TH SESSION OF THE WORKING GROUP TO ELABORATE THE DRAFT UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES
(16-27 October 2000)

Name of Representative[a]	Organization[b]	Indigenous populations represented[c]	City, State[d]
Helen Corbett (f)	Indigenous Woman Aboriginal Corporation	Aboriginal	Perth, Australia
Megan Davis (f)	Faira Foundation Aboriginal Islander Research Action	South East Queensland Aboriginal groups: Wakka Wakka, Gubbi Gubbi and Yugambeh	Woollongabba, Australia
Maria Eugenia Choque Quispe (f)	Taller de Historia Oral Andina	Indigenous populations in La Paz, Oruro and Potosi	La Paz, Bolivia
Carlos Mamani Condori (m)	"	"	"
Moisés Gutiérrez Rojas (m)	Movimiento Revolucionario Tupaq Katari de Liberación (MRTKL)	Aymara, Quechua, Chaco of Bolivia	"
Eric Large (m)	International Organization of Indigenous Resource Development/Saddle Lake First Nation	Nehiyawak indigenous people (Cree) of the Saddle Lake First Nation	Edmonton, Canada
Daniel Ashini (m)	Innu Council of Nitassinan	Innu	Sheshatshiu, Labrador, Canada
Armand McKenzie (m)	"	"	Sept-Illes, Quebec, Canada
Alexis Tiouka (m)	Fédération des organizations amérindiennes de Guyane (FOAG)	Kali'na, Lokono, Teko, Wayanas, Wayapis, and Pahikweneh	Cayenne, French Guyana, France

Name of Representative[a]	Organization[b]	Indigenous populations represented[c]	City, State[d]
Prajnalankar Bhikkhu (m)	Asian Buddhist Conference for Peace	Jumma in the Chittagong Hill Tracts	New Delhi, India
Johnson M.N. Ole Kaunga (m)	Organisation for Survival of Il-Laikipiak Indigenous Maasai Group Initiatives (OSILIGI)	Laikipia Maasai	Nanyuki, Kenya
John Pamita Letai (m)	"	"	"
Mohamed Aidouch (m)	Association nouvelle de la culture et des arts populaires (ANCAP)	Amazigh (Berbères)	Rabat, Morocco
Amina Zioual (f)	"	"	"
Narad Mani Rai Kirati (m)	Nepal Indigenous Peoples Development and Information Service Centre (NIPDISC)	Rai/Kirati, Limbu, Gurung, Magar, Tamang	Kathmandu, Nepal
Estebancio Castro (m)	Indian Treaty Council/Movimiento de la Juventud Kuna (M.J.K.)	Kuna, Maya, Maori and others	Panamá, Panamá
Fortunato Turpo Choquehuanca (m)	Comisión Juridica de los Pueblos de Integración Tawantinsuyana (COJPITA)	Indigenous populations in 73 districts, 950 communities	Arequipa, Peru
Gladys Vasquez Poma (f)	Comisión Juridica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)	Aymara-Quechuas	Tacna, Peru
Tomas Alarcon (m)	"	"	"
Jose Molintas (m)	Cordillera Peoples Alliance	Ibalois and Kankanays	Baguio City, Philippines

Name of Representative[a]	Organization[b]	Indigenous populations represented[c]	City, State[d]
Michail Todishev (m)	Association of the Shor People	Shor	Novokuznetsk, Russian Federation
Rodion Sulyandziga (m)	Russian Association of Indigenous Peoples of the North (RAIPON)	30 different indigenous populations	Moscow, Russian Federation
Jean Pierre Nzabandora (m)	Association pour le développement global des Batwa du Rwanda	Batwa	Kigali, Rwanda
Juvénal Sebishwi (m)	Association pour la promotion des Batwas	Batwa and Pygmies	"
Ian Aujare (m)	International Alliance of Indigenous -Tribal Peoples of the Tropical Forests/Literacy Association of Solomon Islands	Indigenous populations in the Solomon Islands	Honiara, Solomon Islands
Kristina Nordling (f)	Swedish section of the Sami Council, Same Atnam	Sami	Jokkmokk, Sweden
Nadir Bekirov (m)	Meljis of Crimean Tatar People	Crimean Tatars	Simferopol, Ukraine
Ronald Barnes (m)	Indigenous Peoples and Nations Coalition/Indigenous World Association	Yupiag , Eyak	Anchorage, Alaska, USA
Mililani Trask (f)	Na Koa Ikaika O Ka Lahui Hawai'i	Kanaka Maoli	Hilo, Hawaii, USA

[a] According to the application form, all the representatives are indigenous themselves.

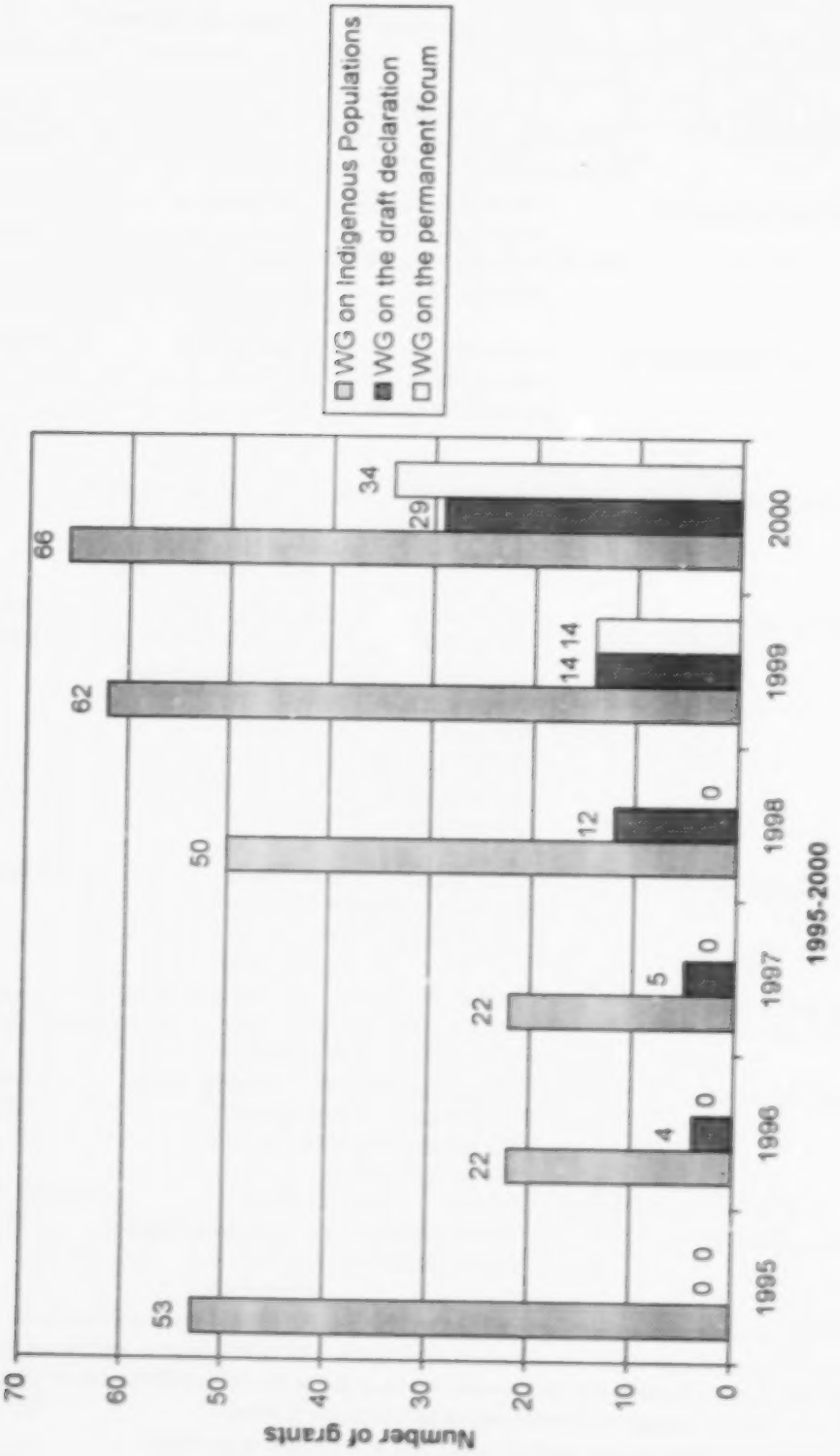
[b] All the organizations listed are in consultative status with the Economic and Social Council or are authorized to participate in the open-ended working group on the establishment of a permanent forum by the Committee of non-governmental organizations of the Council.

[c] Indigenous populations represented, according to the application form.

[d] According to the application form.

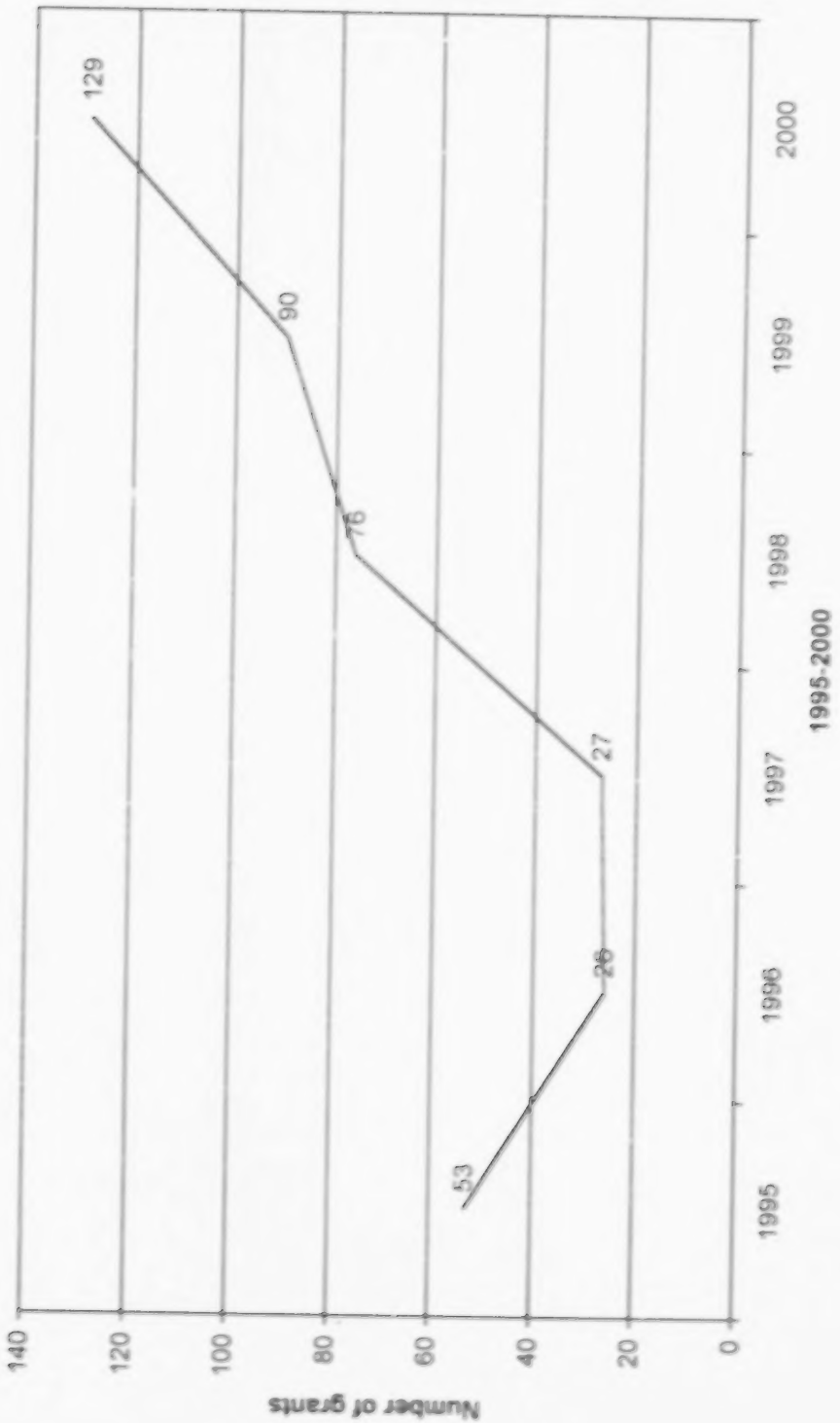
Annex V

GRANTS ALLOCATED PER WORKING GROUP (1995-2000)



Annex VI

GRANTS ALLOCATED 1995-2000



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COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion and Protection
of Human Rights
Working Group on Indigenous Populations
Eighteenth session
24-28 July 2000
Item 6 of the provisional agenda

STANDARD-SETTING ACTIVITIES, INCLUDING A REVIEW OF INDIGENOUS PEOPLES' RELATIONSHIP WITH NATURAL RESOURCES, ENERGY AND MINING COMPANIES

Information received from indigenous organizations

The present document contains information received from an indigenous organization relating to item 6 of the provisional agenda.

INDIAN MOVEMENT TUPAJ AMARU

[6 June 2000]
[Original: English and Spanish]

GE.00-14230 (E)

I. BACKGROUND

1. The concept of a code of conduct dates back to the beginnings of mercantile society, when government power and businessmen already felt the need to regulate trade and shipping disputes. The development of the concept is closely linked to developments in the old and new international economic orders.

2. The fact that the international community has shown an interest in the establishment, activities and evolution of trading and financial companies from their earliest form (Company of the Staple in England) to their highest form (General Electric in the United States) is nothing new. What is new is the transnationalization of their activities and the submission to their control and service of all human activity: production and consumption, politics, democracy and human rights.

3. In the late nineteenth and early twentieth centuries, economic actors were faced with the need to adopt laws against unfair competition, as in the case of United States antitrust legislation, in order to regulate the free competition which had led to trade abuses, fraud and disputes between colonial powers about the division of markets and the domination of colonies and dependent countries.

4. Following the Second World War, the 1948 Havana Charter, which the United States Congress refused to ratify, was an attempt to regulate the handling of international financial capital throughout the world. For the first time, the Charter, which provided for the establishment of an international organization that would later become GATT, recognized the right of capital-importing countries to control foreign direct investment (FDI).

5. The assertion by colonized peoples and peoples in the process of decolonization of their right to self-determination and economic independence was no more than an expression of their national sovereignty. Formerly, sovereignty was used to affirm the nation-State against medieval absolutism; at present, it is a weapon in the struggle by the peoples of the third world to reaffirm their political and economic position and challenge the harmful activities of TNCs.

6. The opponents of codes of conduct never tire of accusing the developing countries of wanting to distort the principle of sovereign equality, reduce duties and obligations according to their own interests and try to restrict the sovereignty of other States.

7. Political sovereignty was not and would not be enough to affirm national identity if peoples who acceded to independence did not enjoy adequate economic sovereignty. According to this key approach, the nationalization of the property and assets of foreign companies in the public interest is fully justified.

8. The scope and nature of sovereignty will otherwise be fictions in North-South relations if the industrialized countries do not demonstrate the political will to negotiate rules of conduct in the interest of multinationals and States. The 1971 nationalization of the North American trust, Gulf Oil Company, by the J.J. Torres Government in Bolivia and the expropriation of copper mines in Chile by Salvador Allende in 1972 show that TNCs are capable of using threats and blackmail to overthrow Governments which are defending their national sovereignty.

II. NEGOTIATION OF THE CODE IN THE UNITED NATIONS

9. Since the 1970s, the international community has been trying, without tangible results, to draft codes of conduct to regulate the irrational behaviour of powerful economic entities and consortiums in particular areas of the economy and trade, as well as foreign direct investment and the reasonable use of natural resources.

10. As a result of conflicts created by FDI and nationalizations by host States, the thorny question of transnational corporations was discussed specifically in a United Nations text for the first time in 1972 (resolution 1821 (LIII), of 28 July 1972, adopted by the Economic and Social Council).

11. Two years later, in its resolution 1913 (LVII), of 5 December 1974, the Economic and Social Council decided to establish the Commission on Transnational Corporations to assist it in formulating a set of recommendations. The burning desire to draft rules of conduct thus started to become a reality. The concept was broadened, explained and defined in later United Nations resolutions, even though the Commission's attributions were still up in the air.

12. The Commission on Transnational Corporations held its first session in March 1974, having on its provisional agenda the consideration and formulation of a set of standards and rules which would, as a whole, serve as an outline for a future code of conduct that would be binding on TNCs and States as subjects of international law.

13. In the meantime, the Intergovernmental Working Group established by the Commission in Lima in March 1976 would begin its work on the negotiation and drafting of standard-setting provisions of the code of conduct in January 1977. Following its seventeenth session, the group, which was composed of persons of recognized competence, submitted the draft code in 5 chapters and 71 articles to the Commission for its consideration in May 1982 (see Négociation d'un Code, by Eugène Berg, Rev. Société française pour le droit international, p. 227).

14. However, the desire to set standards for the blind conduct of TNCs in what had so far been de facto regulations led to a violent reaction in decision-making centres and parent companies. The market economy countries were thus unwilling to negotiate a compulsory code which would be too binding on their corporations in terms of the policy of liberalization and give too much power to host countries.

15. As was to be expected, substantive differences of opinion on the scope of the code and its legal nature arose between the highly developed countries and the developing countries at the third session of the Commission. The former wanted simply a solemn declaration of principles in the form of recommendations, while the Group of 77, supported by the socialist countries, wanted it to set standards and thus to be an international instrument that was legally binding on TNCs and States, including United Nations specialized agencies.

16. After lengthy and controversial negotiations which lasted nearly 20 years, government delegations were unable to reach a consensus on the draft code and, in 1992, at the request of the

United States of America, they decided to abandon the discussion of one of "industrial civilization's" most pressing problems. Once again, strategic neo-colonial interests took precedence over the political and sovereign will of peoples.

17. Under resolution 47/212 B on the restructuring of the United Nations, adopted by the General Assembly on 6 May 1993, the Centre on Transnational Corporations, which submitted its fourth and last report to the Working Group on Indigenous Populations in 1994, was scrapped and replaced by the Division on Foreign Direct Investment.

18. The collapse of the negotiations was without any doubt the result of the pressure exerted by powerful Western economic and financial circles and, especially, of the impact of the guidelines given to Governments by the World Bank and IMF on the handling of FDI in host countries.

III. WHY IS THERE AN URGENT NEED FOR A CODE?

19. Because, in the logic of the absolute law of free trade in search of capital gains, which is the driving force behind globalization, the transnational movement of financial capital is the living expression of blind and anarchical market economy forces, which are absolutely free to indulge their unbridled passion to colonize the world, speed up the dismantling of mechanisms and rules of conduct, liberalize trade and privatize State-owned enterprises at any cost.

20. These days, no economic, social and cultural problem, however big or important, escapes the voracity of TNCs, which are real spider's webs all mixed up in the production and distribution of goods and services, the accumulation of capital, the mobility and closing of enterprises, large-scale layoffs and stock market speculation, thereby creating a financial crisis with serious consequences for peace and security.

21. With their universe that is so vast and complex and their hegemonic power that is so infinitely great, TNCs are solidly embedded in all basic spheres of the economy from North to South, including the United Nations system itself, and behave anarchically. They are now present everywhere on indigenous peoples' land and territory, whose natural wealth and resources they covet unashamedly as being strategic for the development of the Western world.

22. In their desire to earn as much as possible and to accumulate capital gains, TNC decision-making centres use a number of mechanisms, including financial institutions such as the World Bank and IMF, unlawful means such as bribery of senior government officials, members of parliament and members of the military, the corruption of businessmen and political pressure and financial blackmail of progressive Governments.

23. We may, for example, refer to the case of the direct intervention of the North American multinational corporation, International Telephone and Telegraph (ITT), in the overthrow of Salvador Allende's constitutional Government in Chile in 1973. The multinational Gulf Oil Company was also involved in the military coup which overthrew the Government of J.J. Torres in Bolivia in 1971 and the United Fruit Company interfered with Jacobo Arbenz's Government in Guatemala in 1954.

24. According to a United Nations study, the universe of TNCs in the early 1990s was composed of 37,530 parent firms which controlled 206,961 affiliates and employed 73 million persons, i.e. no fewer than 3 per cent of the world's labour force (World Investment Report 1994).

25. Five years later, a report published in 1999 by the UNCTAD Division on Transnational Corporations and Investment stated that the 100 largest TNCs, ranked according to the value of their assets throughout the world, together held $1.8 billion in foreign assets, accounted for $2.1 billion in foreign sales and employed some 6 million persons in their affiliates (report on FDI in the world, New York, 1999, p. 2).

26. Ranked according to origin, nearly 90 per cent of the 100 largest TNCs come from Western Europe, Japan, Canada and the United States, while only two corporations from developing countries are on the list: Petroleos de Venezuela and Daewoo Corporation from Korea (ibid.). Based on its foreign holdings ($304 billion), the gigantic General Electric is the largest TNC and holds top place for the second consecutive year.

27. As a result of the liberalization of the regime for the handling of capital, foreign direct investment increased from 1998 to 1999. According to the above-mentioned report, 60 countries introduced changes in their legislation and adopted amendments to regulations on the handling of foreign capital in order to create more favourable conditions for investors' appetites.

28. With the disintegration of the Soviet Union, a world conglomerate of monopolies and trusts set out to conquer and colonize the Great Siberian North, which is potentially rich in natural resources such as oil, natural gas, gold, diamonds and uranium that have traditionally belonged to the indigenous peoples of this enormous territory.

29. As mankind slowly succumbs in a world without laws or ethics, the lack of an international legal framework which is capable of regulating the activities of TNCs and their direct investments in the third world is being felt more than ever. The urgent need to adopt rules of conduct depends on a number of factors.

30. First, by their very nature and essence, powerful monopolies and holdings that are constantly seeking the greatest profits and returns behave irrationally and instinctively. They have no laws and are not subject to host countries' jurisdiction. Their basic objective is to loot natural resources and exploit the labour force. Social problems are of no concern to them.

31. Secondly, receiving States have lost their ability to negotiate and cannot legally claim jurisdiction over the foreign affiliates established in their territories because their legislation has been dismantled and, in many cases, contains no reference to the term "transnational property" or the concepts of the corporate nationality and legal status of TNCs.

32. Thirdly, as a result of the liberalization of FDI, supranational economic entities are neither national nor stateless, but operate vertically and are subordinated to parent companies, i.e. to the jurisdiction of decision-making centres based in Western countries.

33. In the light of the foregoing, it is first of all essential to define the nature of transnational property, the concept of the nationality of TNCs and the scope of their rights and obligations. The Sub-Commission expert and other thematic mechanisms should formulate clear-cut and detailed standards and rules in order to:

(a) Determine the globally negative impact of the activities of TNCs on the enjoyment of economic, social and cultural rights, particularly the right to development;

(b) Define the right of TNCs to own property and identify their economic structure, legal status and global strategies for concentrating capital and markets at the world level;

(c) Investigate illegal transfers of capital from poor countries to rich countries in the form of interest and debt servicing, as well as unlawful operations and speculation characterized as economic crimes;

(d) Determine the legality of mergers of enterprises and banks, insurance companies and information media for the establishment of monopolies;

(e) Regulate the use and misuse of financial mechanisms (World Bank, IMF, UNDP, WTO and other international development assistance agencies) in the service of Western interests;

(f) Evaluate the interference of TNCs in the political life of States by means of the corruption and bribery of senior government officials, members of parliament and members of the military;

(g) Determine their historic responsibility in the pollution of the environment, the destruction of Mother Earth and the laundering of narcodollars;

(h) Evaluate the activities of TNCs operating in indigenous peoples' territories and the impact on indigenous peoples' rights to land, natural resources and sustainable development.